

DETAILED ACTION

This Non-Final office action is in response to the application filed on October, 3, 2003 and the appeal filed on June 6, 2011.

Response to Appeal

In view of the Appeal Brief filed on July 30, 2009, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

**/JAMES KRAMER/
Supervisory Patent Examiner, Art Unit 3693**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPub. No. 2004/0111361 (Griffiths et al. '361) in view of U.S. PGPub. No. 2002/018148 (Kahn et al. '148).

Re Claim 1: Griffiths et al. '361 disclose a method comprising: receiving at least one ACH transaction by a computer system executing a payroll ACH service from a payroll vendor for a client of the payroll vendor, the payroll ACH service provided by a payroll ACH service provider that is separate from the payroll vendor (abstract, paragraph [0078]); verifying the at least one ACH transaction by the payroll ACH service of the payroll ACH service provider (paragraphs [0057, 0092, 0109]); executing the at least one ACH transaction by the payroll ACH service of the payroll ACH service provider (abstract, paragraph [0078]); and limiting financial risk by providing balancing information and control of the ACH transaction execution to the payroll vendor through the payroll ACH service of the payroll ACH service provider (paragraphs [0096, 0116]).

Griffiths et al. '361 disclose the method substantially as claimed with the exception of the verifying including error checking of the at least one ACH transaction

by the computer system. Kahn et al. '148 disclose automating to resolving any transmission errors (e.g. there must be a process to check for them if they can be resolved). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Griffiths et al. '361, in view of the teachings of Kahn et al. '148, to include verifying including error checking for the basic reason of combining two known methods to yield predictable results.

Re Claim 2: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including that limiting financial risk includes requiring a direct debit procedure (Kahn et al. '148: paragraphs [0138, 0169, 0179, 0438]).

Re Claim 3: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including that the at least one ACH transaction is received in a single batch from the client (Kahn et al. '148: paragraph [0169]).

Re Claim 4: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including forecasting available funds for an account (Kahn et al. '148: paragraph [0418]).

Re Claim 5: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including establishing predetermined types of investment objectives (Griffiths et al. '361: paragraphs [0075, 0079, 0087, 0134]).

Re Claim 6: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, with the exception of including investing available funds based on forecasted availability. However, Kahn et al. '148 does disclose forecasting future expenses. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that being able to forecast funds for a future expense would also allow a user to forecast funds for a future investment, since the limitations are forecasting funds for a future reason.

Re Claim 7: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including accumulating tax payment data for off site back up (Kahn et al. '148: abstract, paragraphs [0169, 0170]).

Re Claim 8: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including that the verification of the at least one ACH transaction includes comparing year to date transaction data (Griffiths et al. '361: paragraphs [0096, 0109]).

Re Claim 9: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including assuming by the payroll ACH service provider of liability for non-sufficient fund returned items on behalf of the payroll vendor (Kahn et al. '148: paragraph [0437]).

Re Claim 10: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including notifying the client regarding one of negative and positive tax balances (Kahn et al. '148: abstract, paragraph [0145]).

Re Claim 11: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including testing files for one of an additional client and missing client (Kahn et al. '148: abstract, paragraphs [0006, 0012, 0022, 0159]).

Re Claim 12: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including verifying one of an additional employee and an additional bank account (Griffiths et al. '361: paragraphs [0018, 0022, 0046]).

Re Claim 13: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, with the exception of including placing available funds in a trust management system. However, Kahn et al. '148 does disclose placing funds in an investment bank (paragraphs [0139, 0158, 0166]), and since a trust management system is a type of investment, Kahn et al. '148 is considered to fully support the aforementioned recitation.

Re Claim 14: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including using a double entry accounting system in processing transactions (Kahn et al. '148: paragraphs [0154, 0208, 0429]).

Re Claim 15: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including contracting directly with the client by the service provider (Griffiths et al. '361: abstract, paragraphs [0048, 0055, 0058, 0059]).

Re Claim 16: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including allowing the client to use a federal reserve bank account number of the service provider (Griffiths et al. '361: paragraphs [0073, 0084, 0115]).

Re Claim 17: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including testing files for duplicate client batches for a payroll check date (Kahn et al. '148: paragraphs [0147, 0148, 0149, 0206]).

Re Claim 18: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including separating a set of charges between the payroll vendor and the client (Kahn et al. '148: paragraphs [0029, 0169]).

Re Claim 19: Griffiths et al. '361 in view Kahn et al. '148 disclose the method in supra, including that all ACH transactions are received in a single file per client from the vendor and a single debit is generated (Griffiths et al. '361: paragraph [0107]).

Re Claims 20-22: Method claims 20-22 are substantially similar to previously rejected method claims 1, 8, and 11, respectively, and are therefore considered to be rejected here, using the same art and rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY M. MAGUIRE whose telephone number is (571)272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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